

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TIMOTHY L. BILIOURIS, *et al.*,

Plaintiffs,

v.

SUNDANCE RESOURCES, INC., *et al.*,

Defendants.

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Civil Action No. 3:07-CV-1591-N

AMENDED FINAL JUDGMENT

The Court, having received the verdict of the jury, and having considered it together with the pleadings, evidence, and argument of counsel, is of the opinion that judgment should be entered in favor of Plaintiffs Timothy L. Biliouris, Timothy L. Biliouris as Next Friend of Jade N. Biliouris, Anne M. Bullock, Brian Bullock, Robert Bullock, Randy Cough, Pat Cumiskey, Michael Dobbs, Natalie Donlavage, Dorothy D. Driscoll as Trustee for the Dorothy D. Driscoll Defined Benefit Pension Plan, Deborah Eidenshink, John Eidenshink, Irvin Huseby, Paul S. Kennedy, William G. Lionetta, Jr., William G. Lionetta, Jr. as Next Friend of Jacqueline C. Lionetta, Edith M. Morrow, Gordon H. Morrow, Morrow Family, LP, Guy C. Morrow, Thomas R. Mott, Bradley J. Myers, Mary Lynn Myers, Roger H. Nord, Charles Ortmann, Charles F. Salter as Trustee for U/A DTD 12-15-1995, Gilbert Small, Rosalie J. Small, William Sprague, Jr. as Trustee for the William Wallace Sprague Trust Mary Crowther Sprague U/W (“Sprague”), and James A. Yeckley, M.D. (collectively, “Plaintiffs”), as follows:

1. IT IS ORDERED, ADJUDGED, AND DECREED that the following Plaintiffs are entitled to the following damages for fraud against Sundance Resources, Inc. (“SRI”), Michael Patman, and David Patman, jointly and severally:

Plaintiff	Fraud Damages	Prejudgment Interest	Total
William Lionetta	\$1,355,000.00	\$168,354.11	\$1,523,354.11
William Lionetta as Next Friend of Jacqueline Lionetta	\$162,500.00	\$20,190.07	\$182,690.07
Edith Morrow	\$650,000.00	\$80,760.27	\$730,760.27
Gordon Morrow	\$1,482,500.00	\$184,195.55	\$1,666,695.55
Morrow Family, LP	\$1,094,000.00	\$135,925.75	\$1,229,925.75
Guy Morrow	\$220,000.00	\$27,334.25	\$247,334.25
Roger Nord	\$162,500.00	\$20,190.07	\$182,690.07
Charles Salter	\$927,500.00	\$115,238.70	\$1,042,738.70
James Yeckley	\$325,000.00	\$40,380.14	\$365,380.14

2. IT IS ORDERED, ADJUDGED, AND DECREED that the following Plaintiffs are entitled to the following punitive damages for fraud against SRI:

Plaintiff	Punitive Damages
William Lionetta	\$146,250.00
William Lionetta as Next Friend of Jacqueline Lionetta	\$81,250.00
Edith Morrow	\$162,500.00
Gordon Morrow	\$162,500.00
Morrow Family, LP	\$81,250.00
Guy Morrow	\$162,500.00
Roger Nord	\$81,250.00
Charles Salter	\$243,750.00
James Yeckley	\$162,500.00

3. IT IS ORDERED, ADJUDGED, AND DECREED that the following Plaintiffs are entitled to the following punitive damages for fraud against Michael Patman:

Plaintiff	Punitive Damages
William Lionetta	\$73,125.00
William Lionetta as Next Friend of Jacqueline Lionetta	\$40,625.00
Edith Morrow	\$81,250.00
Gordon Morrow	\$81,250.00
Morrow Family, LP	\$40,625.00
Guy Morrow	\$81,250.00
Roger Nord	\$40,625.00
Charles Salter	\$121,875.00
James Yeckley	\$81,250.00

4. IT IS ORDERED, ADJUDGED, AND DECREED that the following Plaintiffs are entitled to the following punitive damages for fraud against David Patman:

Plaintiff	Punitive Damages
William Lionetta	\$73,125.00
William Lionetta as Next Friend of Jacqueline Lionetta	\$40,625.00
Edith Morrow	\$81,250.00
Gordon Morrow	\$81,250.00
Morrow Family, LP	\$40,625.00
Guy Morrow	\$81,250.00
Roger Nord	\$40,625.00
Charles Salter	\$121,875.00
James Yeckley	\$81,250.00

5. IT IS ORDERED, ADJUDGED, AND DECREED that the following Plaintiffs are entitled to the following damages for statutory fraud against SRI, Michael Patman, and David Patman, jointly and severally¹:

¹Michael Patman is not jointly and severally liable for damages for statutory fraud awarded to T. Biliouris.

Plaintiff	Principal Amount	Prejudgment Interest	Total
Timothy L. Biliouris	\$162,500.00	\$20,190.07	\$182,690.07
Jade N. Biliouris	\$162,500.00	\$20,190.07	\$182,690.07
Randy Cough	\$162,500.00	\$20,190.07	\$182,690.07

6. IT IS ORDERED, ADJUDGED, AND DECREED that the following Plaintiffs are entitled to the following punitive damages for statutory fraud against SRI:

Plaintiff	Punitive Damages
Jade N. Biliouris	\$162,500.00
Randy Cough	\$81,250.00

7. IT IS ORDERED, ADJUDGED, AND DECREED that the following Plaintiffs are entitled to the following punitive damages for statutory fraud against Michael Patman:

Plaintiff	Punitive Damages
Jade N. Biliouris	\$81,250.00
Randy Cough	\$40,625.00

8. IT IS ORDERED, ADJUDGED, AND DECREED that the following Plaintiffs are entitled to the following damages for statutory fraud against David Patman:

Plaintiff	Punitive Damages
Jade N. Biliouris	\$81,250.00
Randy Cough	\$40,625.00

9. IT IS ORDERED, ADJUDGED, AND DECREED that the following Plaintiffs are entitled to the following damages for breach of contract for failure to repay principal loan amounts against SRI:

Plaintiff	Principal Amount	Prejudgment Interest	Total
Brad Meyers and Mary Lynn Meyers	\$10,000.00	\$1,242.47	\$11,242.47
Dorothy Driscoll	\$73,750.00	\$9,163.18	\$82,913.18
Tom Mott	\$20,000.00	\$2,484.93	\$22,484.93
Pat Cummiskey	\$53,750.00	\$6,678.25	\$60,428.25
Brian and Ann Bullock	\$68,750.00	\$8,541.95	\$77,291.95
Deborah and John Eidenshink	\$10,000.00	\$1,242.47	\$11,242.47
Natalie Donlavage	\$178,750.00	\$22,209.08	\$200,959.08
Michael Dobbs	\$162,500.00	\$20,190.07	\$182,690.07
Ivan Huseby	\$75,000.00	\$9,318.49	\$84,318.49
Paul Kennedy	\$27,500.00	\$3,416.78	\$30,916.78
Bill Sprague	\$665,000.00	\$82,623.97	\$747,623.97
Charles Ortman	\$53,750.00	\$6,678.25	\$60,428.25
Robert Bullock	\$110,000.00	\$13,667.12	\$123,667.12
Gilbert and Rosalie Small	\$325,000.00	\$40,380.14	\$365,380.14
Rosalie Small	\$325,000.00	\$40,380.14	\$365,380.14

10. IT IS ORDERED, ADJUDGED, AND DECREED that the following Plaintiffs are entitled to the following damages for breach of contract for failure to pay carried working interests against SRI:²

²The Court declines to award prejudgment interest on the amount of carried working interest owed to the Plaintiffs, as they failed to specify what portion of these damages would be due before the date of the judgment. *See* Trial Ex. 217, Expert Report of David Jones; *Brainard v. Trinity Universal Ins. Co.*, 216 S.W.3d 809, 812 (2006) (quoting *Johnson & Higgins of Tex., Inc. v. Kenneco Energy, Inc.*, 962 S.W.2d 507, 528 (Tex. 1998)) (defining prejudgment interest as “compensation allowed by law as additional damages for lost use of the money due as damages *during the lapse of time* between the accrual of the claim and the date of judgment.”) (emphasis added); *see also* *Texas Specialty Trailers, Inc. v. Jackson & Simmen*, Civil Action No. 2-07-228, 2009 WL 2462530, at *9 (Tex. App. – Fort Worth, Aug. 13, 2009) (“To recover prejudgment interest on an award of past damages, the party seeking to obtain prejudgment interest must segregate past damages from future damages.”).

Additionally, with respect to Plaintiffs William Lionetta, Gordon Morrow, and Morrow Family LP, these damages constitute fraud damages based on their failure to receive

Plaintiff	Carried Working Interest
Natalie Donlavage	\$68,213.44
Brian and Ann Bullock	\$26,235.94
Robert Bullock	\$41,977.50
Michael Dobbs	\$52,471.88
Dorothy Driscoll	\$26,235.94
Paul Kennedy	\$41,977.50
William Lionetta	\$183,651.56
Gordon Morrow	\$104,943.75
Morrow Family, LP	\$52,471.89
Bill Sprague	\$236,123.44

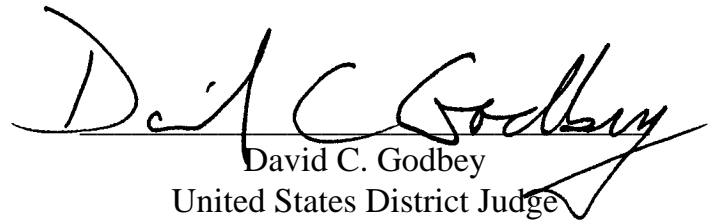
11. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs shall recover pre-judgment interest thereon from September 17, 2007, through the date of the entry of the original Judgment on March 12, 2010 at the rate of 5% per annum (which is already included in the aforementioned damage numbers), and post-judgment interest at 0.34% per annum.

12. IT IS FURTHER ORDERED THAT Plaintiffs shall submit their attorneys' fees for the Court's consideration within thirty (30) days of the date of this judgment.

13. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs of Court are taxed against Defendants.

14. All relief not expressly granted herein is denied, and this judgment is a final judgment.

Signed August 11, 2010.



David C. Godbey
United States District Judge